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EXAMINER	
NGUYEN, HAI V	
ART UNIT	**PAPER NUMBER**
2142	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/676,924	COHEN, SHY	
	Examiner	Art Unit	
	Hai V. Nguyen	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,6-13,15-20,22 and 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,6-13,15-20,22 and 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to the communication received on 22 November 2005.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission received on 22 November 2005 has been entered.

3. Claims 1, 2, 4, 6-13, 15-20, 22, and 23 are presented for examination.

Response to Arguments

4. Applicant's arguments and amendments received on 22 November 2005 have been fully considered but they are not persuasive. Applicant's arguments are deemed moot in view of the following new ground(s) of rejection as explained here below, necessitated by Applicant's substantial amendment to the claims which significantly affected the scope thereof.

Specification

5. The textual portion of the specification is replete with grammatical and idiomatic errors too numerous to mention specifically. The specification should be revised carefully.

6. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks ™, and other legal symbols ®, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1, 13 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for *"the outbound communication channel 208 is intended for client-to-server messaging and server message delivery acknowledgements. This channel 208 uses the HTTP messaging pattern as illustrated in Figure 3. As may be seen from this Figure 3, the client 204 sends 220 an HTTP request with the message body to the web proxy 200, which then forwards 22 the request to the server 202. The server 202 then sends 224 an HTTP replies with a delivery or non-delivery acknowledgement. This reply is received by the web server 200, which then returns 226 the reply to the client 204. The server 202 may ask for*

retransmission of the original message or a previous message, and in cases where a reply is required, the server 202 may provide the client 204 with information as to when a reply for that message will be available. The client may decide when and if to use any information provided by the server 202. For example, the client may use this information and a reconnection policy determine when it needs to open an inbound channel 210 (see Figure 2) with the server 202 to receive the information" (Applicant's specification, page 17) and "To initiate this channel 210 (Figure 4), the client 204 sends 228 and HTTP "request" asking for messages to the web proxy 200, which then forwards 230 this "request" to the server 202 where it is parked. This parking of an HTTP "request" at the server 202 establishes a connection setup 232 of this inbound communication 210. This parked "request" enables the server 202 to reply the client 204 whenever the server 202 has a message that needs to be sent (Applicant's specification, pages 18-19)" does not reasonably provide enablement for *"in response to receiving the first HTTP-based "reply", transmitting first parked HTTP-based "request" from the first processor to be parked at the second processor for establish a persistent communication channel between the first processor and the second processor through the proxy server to allow the transfer of second messages from the second processor to the first processor, and the delivery of second message delivery acknowledgments from the first processor to the second processor"* as claimed in claim 1 and *"including the connection time out period in a parked HTTP-based "request" such that the parked HTTP-based "request" further requests a HTTP-based "reply" from the server after expiration of the connection time out period even if there are no messages to send to*

the client in order to avoid connection termination by the proxy server due to communication inactivity" as claimed in claim 13. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

In the entire Applicant's specification, especially in figures 3 and 4, that "the figure 3 describes the outbound channel which illustrates messaging between a client and server through a web proxy server (Applicant's specification, page 17) and the figure 4 describes the incoming channel which illustrates messaging between a client and a server through a web proxy server (Applicant's specification, pages 19-20)". In particular, page 19 describes, *"That is, the client 204 is responsible for network state detection and session reconnection. If the connection is lost because the web proxy server 200 times out and closes the connection, the proxy 200 typically sends a connection closure message to the client 204. In such an event, the client 204 merely retransmits an HTTP "request" to the server 202 as illustrated by the message transmission 228, 230, establishing the connection setup phase 232 of Figure 4. The instant invention periodically retransmits the HTTP "request" 228, 230 to ensure that the server 202 has a parked "request" to which it may response whenever messages are generated therein. The time interval for the retransmissions may be established as desired, 2 or 5 minutes.*

It is incomprehensible to one of ordinary skill in the networking art to see how the *"in response to receiving the first HTTP-based "reply", transmitting first parked HTTP-based "request" from the first processor to be parked at the second processor for*

establish a persistent communication channel between the first processor and the second processor through the proxy server to allow the transfer of second messages from the second processor to the first processor, and the delivery of second message delivery acknowledgments from the first processor to the second processor" and *"including the connection time out period in a parked HTTP-based "request" such that the parked HTTP-based "request" further requests a HTTP-based "reply" from the server after expiration of the connection time out period even if there are no messages to send to the client in order to avoid connection termination by the proxy server due to communication inactivity"* can be done and describe clearly in the specification? as claimed in claims 1, 13.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 13, 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Regarding claims 13, 17, the phrase "such that" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 1, 2, 4, 6-13, 20, 22 and 23 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **Susai** et al. U.S patent # **6,725,272 B1.**

14. As to claim 1, Susai, Apparatus, Method And Computer Program Product For Guaranteed Content Delivery Incorporating Putting A client On-Hold Based On Response Time, taught the invention substantially as claimed, e.g., as in exemplary claim 1) including the method comprising:

transmitting a first HTTP-based "request" *(Fig. 8, line 804-806)* from the first processor to the second processor for establishing a first communication channel between the first processor *(Fig. 8, Client 700)* and the second processor *(Fig. 8, On-Hole Server 204)* through the proxy server *(Fig. 8, Interface Unit 202)* to allow the transfer of first messages from the first processor to the second processor, and the delivery of first message delivery acknowledgments *(Fig. 8, line 808-810A)* from the second processor to the first processor *(Fig. 8, col. 11, lines1- 40)*;

receiving a first HTTP-based "reply" *(Fig. 8, line 808-810A)* from the second processor to the first processor in response to the first HTTP-based "request" *(Susai, Fig. 8, item 804)*;

in response to receiving the first HTTP-based "reply", transmitting fist parked HTTP-based "request" *(Fig. 8, line 810B-810C)* from the first processor to be parked at the second processor for establishing a persistent communication channel between the first processor and the second processor through the proxy server to allow the transfer of second messages from the second processor to the first processor, and the delivery of second message delivery acknowledges from the first processor to the second processor *(Susai, Fig. 8)*.

receiving a second HTTP-based "reply" *(Fig. 8, line 814)* from the second processor to the first processor in response to the first parked HTTP-based "request" *(Susai, Fig. 8, item 810C)*;

receiving a second HTTP-based "reply" *(Susai, Fig. 8, item 818-818A)* from the second processor *(Susai, Fig. 8, requested server 701)* to the first processor *(Susai, Fig. 8, client 700)* in response to the first parked HTTP-based "request" *(Susai, Fig. 8, item 810C)*,

in response to receiving the second HTTP-based "reply", transmitting a second parked HTTP-based "request" *(Susai, Fig. 8, item 818B)* via the proxy server *(Susai, Fig. 8, item 204 or 202)* to the second processor *(Susai, Fig. 8, item 701)*, the second parked HTTP-based "request" including an acknowledgment *(Susai, Fig. 8, acknowledgement 2050, 3050)* to the second HTTP-based "reply" in order to maintain the persistent HTTP connection between the first processor and the second processor through the proxy server *(Susai, Figs. 4, 5, 8, col. 7, line 25 –col. 9, line 57; col. 10, line 62 – col. 12, line 3)*.

It would have been obvious to one of ordinary skill in the networked data control art at the time the invention was made that the claimed invention differed from the teachings of Susai only by a degree, e.g., in the claimed second parked HTTP requests. But this is no more than a difference in a degree because the HTTP requests whether they are designated as a first HTTP request and a second HTTP request or a third HTTP request or just a HTTP request with its acknowledgement taught by Susai, they provide a timeout period selection for the user. The heart of the claimed invention is providing the system that periodically retransmits the HTTP request to ensure that the server has a parked request to which it may respond whenever messages are generated therein. The time interval for these retransmissions may be established as desired to provide the persistent connection in case of the timeout period is expired. Susai invention exactly was directed to the same purpose, i.e., to provide the flowchart FIG. 5 continues until the user is taken off on-hold either by the user initiated or the system initiated (Susai, Fig. 5, col. 7, line 25 –col. 9, line 57) for *guaranteeing a response time to a client once the client is allowed to access the requested server (Susai, col. 3, lines 1-31).*

15. As to claim 2, Susai discloses, wherein the first HTTP-based "request" includes at least one of the first messages therein *(Susai, Fig. 8, line 804).*

16. As to claim 4, Susai discloses, wherein the at least one of the first or second HTTP-based "replies" includes at least one of the second messages therein *(Susai, Fig. 8).*

17. As to claim 6, Susai discloses, wherein the first processor only receives an HTTP based "reply" from the second processor on the first persistent communication channel

when the second processor has at least one of the second messages to send to the first processor *(Susai, Figs. 5, 8)*.

18. As to claim 7, Susai discloses, wherein the second HTTP-based "request" includes therein a request that the second processor transmit a reply after the expiration of a time period even if there are no second messages so that the first processor can assess a status of the connection thereto *(Susai, Figs. 5, 8)*.

19. As to claim 8, Susai discloses, setting the time period to be less than two days *(Susai, Figs. 4B, 5, 8, the on-hold threshold values can be set up by the user or system)*.

20. As to claim 9, Susai discloses, setting the time period to be approximately five minutes *(Susai, Figs. 4B, 5, 8, the on-hold threshold values can be set up by the user or system)*.

21. As to claim 10, Susai discloses, comprising dynamically adjusting the time period based upon a connection time out closure controlled by the proxy server *(Susai, Figs. 4B, 5, 8, the on-hold threshold values can be set up by the user or the system)*.

22. As to claim 11, Susai discloses, wherein the dynamically adjusting of the time period comprises: receiving a connection time out closure message from the proxy server; determining a first time between transmitting the second HTTP-based "request" and receiving a connection time out closure message from the proxy server; and calculating a new time period to be less than the first time and less than the time period *(Susai, Figs. 4B, 5, 8, the threshold values can be set up by the user or system)*.

23. Claim 12 corresponds to the computer readable medium claim of claim 1; therefore it rejected under the same rationale as claim 1.

24. As to claim 13, Susai discloses a method of enabling transmission of unsolicited messages from a server to a client by ensuring that a persistent connection between the server and the client does not time out, wherein the client resides on the private network having a proxy server between the private computer network and a public network, and wherein the server transmitting the unsolicited messages over the public computer network, the method comprising:

selecting a connection time out period *(Susai, Figs. 4, 5, 8, col. 7, line 25 –col. 9, line 57; col. 10, line 62 – col. 12, line 3, the on-hold threshold values can be set up by the user or system)*;

including the connection time out period in a parked HTTP-based "request" such that the parked HTTP-based "request" further requests a HTTP-based "reply" from the server after expiration of the connection time out period even if there are no messages to send to the client in order to avoid connection termination by the proxy server due to communication inactivity *(Susai, Figs. 4, 5, 8, col. 7, line 25 –col. 9, line 57; col. 10, line 62 – col. 12, line 3, the on-hold threshold values can be set up by the user or system)*;

transmitting the parked HTTP-based "request" to the server via the proxy server to open a persistent connection therewith *(Susai, Figs. 4, 5, 8, col. 7, line 25 –col. 9, line 57; col. 10, line 62 – col. 12, line 3, the on-hold threshold values can be set up by the user or system)*.

25. As to claim 15, Susai discloses, comprising dynamically adjusting the time period based upon a connection time out closure controlled by the proxy server due to the communication inactivity *(Susai, Figs. 4, 5, 8, col. 7, line 25 –col. 9, line 57; col. 10, line 62 – col. 12, line 3, the on-hold threshold values can be set up by the user or system)*.

26. As to claim 16, Susai discloses, receiving a connection time out closure message from the proxy server; upon receiving the time out closure message from the proxy, calculating a new time period from the transmitting of the HTTP-based request to the receiving of the connection time out closure message *(Susai, Figs. 4, 5, 8, col. 7, line 25 –col. 9, line 57; col. 10, line 62 – col. 12, line 3)*; reducing the connection time out period to be less than the new time period and less than a current value of the connection time out period in order to create a new connection time out period; including the new connection time out period in a second parked HTTP-based "request" such that a second parked HTTP-based "request" further requests a HTTP-based "reply" from the server after the expiration of the new connection time out period even if there are no messages to send to the client in order to avoid connection termination by the proxy due to communication inactivity *(Susai, Figs. 4, 5, 8, col. 7, line 25 –col. 9, line 57; col. 10, line 62 – col. 12, line 3, the on-hold threshold values can be set up by the user or system)*; and transmitting the second parked HTTP-based "request" to the server via the proxy server to maintain the persistent connection therewith *(Susai, Figs. 4, 5, 8, col. 7, line 25 –col. 9, line 57; col. 10, line 62 – col. 12, line 3, the on-hold threshold values can be set up by the user or system)*.

27. As to claim 17, Susai discloses, receiving a connection time out closure message from the proxy server indicating that the proxy server has closed the persistent connection; calculating a new time period from the transmitting of the HTTP-based request to the receiving of the connection time out closure message; and transmitting an HTTP-based request to the server via the proxy server to open a persistent connection therewith, the HTTP-based request requesting a reply from the server when the server has messages to send to the client and after the expiration of the connection time out period if there are no messages to send to the client *(Susai, Figs. 4-6, 8, col. 7, line 25 –col. 9, line 57; col. 10, line 62 – col. 12, line 3, the on-hold threshold values can be set up by the user or system)*.

28. As to claim 18, Susai discloses, receiving a connection time out closure message from the proxy server; reducing the connection time out period to form a new connection time out period shorter in duration than the connection time out period; and transmitting a third parked HTTP-based "request" to the server via the proxy server to open a persistent connection therewith, the third parked HTTP-based "request" requesting a reply from the server when the server has messages to send to the client and after the expiration of the new connection time out period if there are no messages to send to the client *(Susai, Figs. 4-6, 8, col. 7, line 25 –col. 9, line 57; col. 10, line 62 – col. 12, line 3, the on-hold threshold values can be set up by the user or system)*.

29. Claim 19 corresponds to the computer readable medium claim of claim 13; therefore it rejected under the same rationale as claim 13.

30. As to claim 20, Susai discloses a method of transmitting unsolicited messages via a public computer network to a client residing on a private computer network, the private computer network including a proxy server, the method comprising:

receiving an HTTP-based "request" originating from the client through the proxy server *(Susai, Fig. 8, lines 804-806)*; and

parking the HTTP-based "request" without responding thereto unless a message is generated that needs to be transmitted to the client, the parking of the HTTP-based "request" establishing a persistent connection from the client through the proxy server *(Susai, Figs. 4B, 5, 8)*; and

when the message is generated, generating an HTTP-based reply to the HTTP-based request parked for the client, the HTTP-based "reply" containing the message therein *(Susai, Figs. 4B, 5, 8)*; and

transmitting the HTTP-based "reply" *(Susai, Figs. 4-5, 8)*.

receiving a second HTTP-based request *(Susai, Fig. 8; line 810B-810C, number 2050)* including a message acknowledgement *(Susai, Fig. 8; number 5500, number 2050)* from the client through the proxy server acknowledging the receipt of the HTTP-based "reply" *(Susai, Fig. 8; number 2050 or 5500)*; and

parking the second HTTP-based request without thereto unless a message is generated that needs to be transmitted to the client, the parking the second HTTP-based request *(Susai, Fig. 8; item 810C)* maintaining the persistent connection from the client through the proxy server *(Susai, Figs. 4, 5, 8, col. 7, line 25 –col. 9, line 57; col. 10, line 62 – col. 12, line 3, the request)*.

31. As to claim 22, Susai discloses wherein the HTTP-based request includes connection time out period information, and wherein the step of parking the HTTP-based request further comprises: parking the HTTP-based "request" without responding thereto until the expiration of the connection time out period; and when the connection time out period expires, generating an HTTP-based "reply" to the HTTP-based "request" parked for the client, wherein the generated HTTP-based "reply" does not include messages corresponding to the HTTP-based "request"; and transmitting the HTTP-based "reply" to the client *(Susai, Figs. 4, 5, 8, col. 7, line 25 –col. 9, line 57; col. 10, line 62 – col. 12, line 3).*

32. Claim 23 corresponds to the computer readable medium claim of claim 20; therefore it rejected under the same rationale as claim 20.

Claim Rejections - 35 USC § 103

33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

34. Claims 1, 2, 4, 6-13, 20, 22 and 23 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over **BEA WebLogic Server 5.1,** herein with **BEA.**

35. As to claim 13, BEA discloses a method of enabling transmission of unsolicited messages from a server to a client by ensuring that a persistent connection between the server and the client does not time out, wherein the client resides on the private network

having a proxy server between the private computer network and a public network, and wherein the server transmitting the unsolicited messages over the public computer network, the method comprising:

selecting a connection time out period *(BEA, pages 15-21 of 28 under the title, "Setting up the WebLogic Server for HTTP tunneling")*;

including the connection time out period in a parked HTTP-based "request" such that the parked HTTP-based "request" further requests a HTTP-based "reply" from the server after expiration of the connection time out period even if there are no messages to send to the client in order to avoid connection termination by the proxy server due to communication inactivity *(BEA, pages 15-21 of 28 under the title, "Setting up the WebLogic Server for HTTP tunneling")*;

transmitting the parked HTTP-based "request" to the server via the proxy server to open a persistent connection therewith *(BEA, pages 15-21 of 28 under the title, "Setting up the WebLogic Server for HTTP tunneling")*.

It would have been obvious to one of ordinary skill in the networked data control art at the time the invention was made that the claimed invention differed from the teachings of Susai only by a degree, e.g., in the claimed second parked HTTP requests. But this is no more than a difference in a degree because the HTTP requests whether they are designated as a first HTTP request and a second HTTP request or a third HTTP request or just a HTTP request with its acknowledgement taught by Susai, they provide a timeout period selection for the user. The heart of the claimed invention is providing the system that periodically retransmits the HTTP request to ensure that the server has a

parked request to which it may respond whenever messages are generated therein. The time interval for these retransmissions may be established as desired to provide the persistent connection in case of the timeout period is expired. BEA's "Setting up WebLogic as an HTTP server" exactly was directed to the same purpose, i.e., to provide "When an HTTP tunnel connection is setup, the client automatically sends a request to the server, so that the server may volunteer a response to the client. The client may also include instructions in a request, but this behavior happens regardless of whether the client application needs to communicate with the server. If the server does not purposefully respond to the client request within *clientPingSecs* seconds, it does so anyway. The client accepts the response and automatically sends another request immediately. Default is 46 seconds, valid range is 20 to 900 seconds. If *clientTimeoutSecs* seconds have elapsed since the client last sent a request to the server (in response to a reply), then the server regards the client as dead, and terminates the HTTP tunnel connection. The server checks the elapsed time every 40 seconds, valid range is 10 to 900 seconds (page 16)", for *controlling access to services through an HTTP tunnel connection (BEA, pages 15-16 of 28).* Other claimed elements of the dependent claims are all obvious variation of the well-known features of tunneling the HTTP requests and rejected accordingly.

36. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

Response to Arguments

37. Applicant's arguments and amendment filed on 23 May 2005 have been fully considered but they are not persuasive.

38. In the remark, Applicant argued in substance that:

Point (A), the prior art does not disclose that, "a second parked HTTP-based 'request' that includes an acknowledgment to an HTTP-based 'reply' in order to maintain a persistent HTTP-based connection between processors through a proxy server."

As to point (A), Susai discloses in Fig. 8 that the parked HTTP-based "request" that includes an acknowledgment *(Susai, Fig. 8, request 810C with acknowledgement 1050 or 2050)* o in order to maintain a persistent HTTP connection between processors *(Susai, Fig. 8, the Client 700 and the requested server 701)* through a proxy server *(Susai, Fig. 8, the On-Hold server 204) (Susai, Fig. 8, col. 11, lines 1-65).*

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hai V. Nguyen
Examiner
Art Unit 2142

THONG VU
Primary Examiner